



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Mother Lode Field Office
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Don Pedro East Serpentine Gap Fence (CA-180-11-38) Finding of No Significant Impact August 2011

Based upon a review of the EA and the supporting documents, I find that the project is not a major federal action, and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR § 1508.27 and do not exceed those effects described in the Sierra RMP. Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described:

Context: The project is a site-specific action, directly involving approximately 525 feet by 5 foot wide line of BLM administered land that by itself does not have international, national, or state-wide importance.

- 1) *Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.* The proposed action would impact resources as described in the EA. None of the environmental effects discussed in detail in the EA and associated appendices are considered significant, nor do the effects exceed those described in the Sierra RMP FEIS.
- 2) *The degree of the impact on public health or safety.* No aspects of the proposed action have been identified as having the potential to significantly and adversely impact public health or safety.
- 3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.* The proposed action is located within the Red Hills Area of Critical Environmental Concern (ACEC). The ACEC is designated to protect sensitive serpentine plants. The proposed fence will not negatively impact ACEC values, since the plants are not located along the proposed fence-line. The proposed fence is specifically designed to prevent cattle grazing impacts on federally listed serpentine plants, and is therefore wholly beneficial to these species.
- 4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.* There is no scientific controversy over the nature of the impacts.
- 5) *The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks.* The analysis does not show that the proposed action would involve any uncertain, unique or unknown risks.
- 6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* Building a fence to

prevent grazing impacts to natural resources is not precedent setting. It has been done numerous times in the past by BLM to resolve issues.

- 7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The interdisciplinary team evaluated the proposed action in the context of past, present and reasonably foreseeable actions. Because no site specific adverse impacts are expected for any resources, cumulative impacts at the larger, watershed scale are not anticipated.
- 8) *The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* The proposed action would not adversely affect districts, sites, structures, buildings, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.
- 9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* No ESA listed species or critical habitat are located within the proposed action area. The proposed fence is specifically designed to prevent cattle grazing impacts on federally listed serpentine plants, and is therefore wholly beneficial to these species.
- 10) *Whether the action threatens a violation of environmental protection law or requirements.* The proposed action does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment.

William S. Haigh
Field Manager,
Mother Lode Field Office

Date



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EA Number: CA-180-11-38

Proposed Action: Don Pedro East Serpentine Gap Fence

Location: T1S, R15E, Section 31, Tuolumne County, California. See attached maps.

1.0 Purpose of and Need for Action

The purpose of the proposed action is to install approximately 525 feet of gap fencing in three separate locations to prevent grazing impacts to Layne's butterweed (*Packera layneae*) (formerly *Senecio layneae*), a plant species listed as threatened by the U.S. Fish and Wildlife Service under the Endangered Species Act, and several BLM sensitive plant species including Mariposa cryptantha (*Cryptantha mariposae*) Congdon's lomatium (*Lomatium cogdonii*) and Red Hills ragwort (*Senecio clevelandii* var. *heterophyllus*). The fence would also allow the lessee continued grazing access to oak woodlands, Don Pedro Reservoir, and Turlock Irrigation District lands. The area was designated by BLM in 2008 as an extension of the Red Hills Area of Critical Environmental Concern (ACEC) for the protection of serpentine soils and special status plants associated with these soils. The area has been under a grazing lease since 1971, with various lessees and terms and conditions over the years. The current terms and conditions were designed to be more protective of the special status serpentine plants known to occur on the allotment. The current terms and conditions are for 15 cows from October 1 to April 15 for a total of 97 Animal Unit Months (AUMs). Prior to a wild fire in 2006, heavy brush had prevented livestock from accessing the Layne's butterweed population, thus protecting it from grazing impacts. The 2006 wild fire opened up the brush, and livestock is now able to access the Layne's butterweed population, and grazing impacts to the plants was documented in 2009. The fence would prevent grazing impacts to the serpentine plants and ACEC values, and still allow the lessee grazing use of areas he deems important to his operation. Protection of the serpentine plants and ACEC values is consistent with management of the Red Hills ACEC and general BLM management policies as spelled out in BLM land use plans and FLPMA. It is also consistent with the Endangered Species Act.

1.2 Conformance with Applicable Land Use Plans

The proposed action is consistent with the Sierra Resource Management Plan Record of Decision (ROD), approved in February 2008. On page 40 of the ROD it states "Expand the Red Hills ACEC by 2,824 acres (Map 5d-e). Continue management in accordance with the Red Hills ACEC Management Plan until a new management plan is developed that addresses current issues..." On page 23 of the ROD as a goal under livestock grazing it states "Manage livestock to achieve the four fundamentals of rangeland health: Watersheds are properly functioning; Ecological processes are in order; Water quality complies with state standards; and Habitats of protected species are maintained or enhanced." It also states as an objective under livestock grazing "Maintain or enhance healthy, productive, and diverse populations of native species, including special status species." On page 13 of the ROD as a goal under special status species, it states "Ensure all management activities and BLM authorizations are consistent with the conservation needs for special status species." It also states "Manage special

status species habitat to assist in the recovery of listed species.” A stated objective on Page 15 of the ROD is to “Maintain or improve habitat for special status species.”

2.0 Proposed Action and Alternatives

2.1 Proposed Action

The proposed action is to build approximately 525 feet of fence in three separate areas. Two areas are above the main road running east to west above Don Pedro Reservoir (see maps). These areas include: 91 feet of fencing across a creek that allows cattle access to higher ground where the Layne’s butterweed resides; and 24 feet of fencing across a dozer road that also may provide cattle access to the Layne’s butterweed population. The third area of fencing would prevent cattle from accessing the population from the east off of a mainly north/south road (see maps). This portion of fence is the largest (410 feet) and ties in with the fence along the road, extends south and ties in with brush. The fence would be built by Matt Fischer in the fall/winter when soils are adequately moist for easier fence building. Fence materials would be provided by BLM. The fence would be 4-strand barbed wire with 6-foot t-posts every 16.5 feet, and one to four stays per span between poles. The proposed fence would be built before the next grazing season. The efficacy of the fence would be evaluated annually for several years after its construction. If the fence is not adequate protecting resources, other management options would be pursued.

2.2 Project Design Features

The fence would be built to criteria established by the BLM to allow for safe passage for ungulates, including deer, and greater restriction of livestock movements. This criteria establishes that the bottom wire be at 16 inches, next wire at 22 inches, next wire at 28 inches, and top wire at 40 inches. Deer normally jump with their hind legs forward. If the top two fence wires are too close together, deer can entangle their hind legs which can result in broken legs and/or fatality. This can also occur if the top wire is too high. The criteria of the distance between the top two wires (12 inches), as well as the total fence height (40 inches), is designed to prevent entanglement and fatality of adult and juvenile deer. The criteria of the first wire being 16 inches off the ground is to allow for fawns, who are not capable of jumping over a fence, to crawl under the fence.

2.3 No Action

Under the no action alternative, livestock would continue to access the Layne’s butterweed population, as well as other special status serpentine plants. The impacts from livestock grazing on the Layne’s butterweed population would continue to occur. The serpentine plants and ACEC values would continue to be threatened.

2.4 Alternatives Considered but Eliminated from Detailed Analysis

Cancellation of the grazing lease was considered. Lease cancellation may require more additional fencing since the private property and the BLM allotment is largely fenced in together. Lease cancellation may also be challenged by the lessee, and involve possibly years of involvement with protests/appeals, with no guarantee that the end result would indeed cancel the lease. The lessee has indicated that the oak woodlands, Don Pedro Reservoir, and TID lands are important to his grazing operation. The lessee also mentioned that access to the road is important for driving of the cattle. The proposed action would satisfy the needs of the lessee, and protect listed plants and ACEC values.

3.0 Affected Environment

Cultural – The BLM archaeologist conducted a cultural resource study of the project area. The study included background records search, Native American consultation, and a field inventory. The study was designed to help BLM meet its obligations under Section 106 of the Historic Preservation Act. The BLM archaeologist recommends that no significant cultural resources would be affected by the proposed action. This includes places of Native American religious and/or cultural significance (refer to the Section 106 compliance study attached).

Vegetation – The plant community in the proposed action site is comprised mainly of oak woodland/chaparral with blue oak, interior live oak, and California buckeye. It is primarily *Adenostoma fasciculatum*- *Ceanothus cuneatus* shrubland alliance (as classified in A Manual of California Vegetation 2nd Ed. by Sawyer et al 2008), although the vegetation varies with the undulating landscape. The grasses that occur on the grazable land include red brome and foxtail fescue. There are areas of chaparral that consist of toyon, white leaf manzanita, and California buckeye. No special status species would be directly impacted by the proposed action area. At least three individuals of Red Hills ragwort were identified during April 2011 field work as being within the grazing portion of the lease, that is to say, outside of the protected area created by the new fence. These individuals are in a drainage near the farthest east section of proposed fence. Given that the individuals have been long exposed and appear to be a healthy population with intact habitat, it was determined to be unnecessary to build a fence around the individuals. There would be periodic monitoring of the Red Hills ragwort; if grazing impacts are occurring, management options would be reassessed.

Wildlife – Wildlife in the proposed action area include: mule deer, common gray fox, bobcat, black-tailed jackrabbit, coyote, and several species of rodents. Common birds in the area include mourning dove, California quail, flycatchers, wrens, finches, red-tailed hawk, Cooper's hawk, great horned owl, prairie falcon, and Bald and golden eagles. Reptiles and amphibians include gopher snakes and bullfrogs.

Special status wildlife in the allotment include: Red Hills roach, western pond turtle, and foothill yellow-legged frog. Elderberry bushes, potential habitat for valley elderberry longhorn beetle, an invertebrate listed as threatened by the U.S. Fish and Wildlife Service under the Endangered Species Act, are located on the allotment. None of these special status species were observed within the alignment of the proposed fence-line.

Area of Critical Environmental Concern (ACEC) – The proposed action site is in an area which was added to the Red Hills ACEC in 2008 to protect serpentine soils, and the special status plants associated with these soils. The specific relevant and important values include: Delpiedra soils derived from dunite and serpentine, two federally listed plant species (*Verbena californica* and *Packera layneae*), four BLM sensitive species (*Allium tuolumnense*, *Chlorogalum grandiflorum*, *Lomatium congdonii*, and *Senecio clevelandii* var *heterophyllus*), and the serpentine buckbrush chaparral plant community.

4.0 Environmental Effects

The following critical elements have been considered for this environmental assessment, and unless specifically mentioned later in this EA, have been determined to be unaffected by the proposed action: air quality, wetlands/riparian, water quality, invasive, non-native species, essential fish habitat, prime/unique farmlands, floodplains, hazardous waste, wild and scenic rivers, wilderness, and environmental justice.

4.1 Impacts of the Proposed Action and Alternatives

Cultural – The BLM archaeologist conducted a cultural resource study of the project area. The study included background records search, Native American consultation, and a field inventory. The study was designed to help BLM meet its obligations under Section 106 of the Historic Preservation Act. The BLM archaeologist recommends that no significant cultural resources would be affected by the proposed action. This includes places of Native American religious and/or cultural significance (refer to the Section 106 compliance study attached).

Vegetation – The proposed action calls for very little vegetation removal. There may be some minor clearing of vegetation for fence alignment. The project is designed to protect special status serpentine plant species, including Layne's butterweed, a federally threatened species, from grazing impacts. The special status plant species do not occur in the area of the fence project. The project would be wholly beneficial to Layne's butterweed, and would cause negligible effects to common vegetation. There would be a few special status plants, Red Hills ragwort, which would be exposed to grazing with this proposed fence. This plant is a BLM sensitive species, and impacts at a population level are not anticipated to occur. If monitoring indicates negative effects to the special status species or its habitat, further management options would be assessed.

Wildlife – There may be some temporary displacement of wildlife due to noise and the presence of workers building the fence. The fence would be built to criteria designed to allow safe passage of ungulates, including mule deer. Although, the fence would meet the criteria, this is not a guarantee that an individual deer may not get hung up on the fence and perish. However, it is highly unlikely since the fence lengths are quite short, the longest being 410 feet. Passage under the fence would be more than adequate for fawns. There would be no impact to special status wildlife species. Overall, impacts of the proposed action to wildlife would be minimal.

ACEC – In 2008, this area was added to the Red Hills ACEC to protect serpentine soils, and the special status plants associated with these soils. The fence would not impact the important and relevant values. It is designed to protect special status serpentine plant species, particularly Layne's butterweed, a federally threatened species, from grazing impacts. The project is wholly beneficial to ACEC values.

4.2 Impacts of the No Action Alternative

Cultural – The BLM archaeologist conducted a cultural resource study of the project area. The study included background records search, Native American consultation, and a field inventory. The study was designed to help BLM meet its obligations under Section 106 of the Historic Preservation Act. The BLM archaeologist recommends that no significant cultural resources would be affected by the no action alternative. This includes places of Native American religious and/or cultural significance (refer to the Section 106 compliance study attached).

Vegetation – With the no action alternative, the minor clearing of vegetation for the fence alignment would not occur. Livestock would continue to access areas with special status plant species causing grazing impacts to these sensitive populations. The protection of special status serpentine plant species, including Layne's butterweed, a federally threatened species, would not occur.

Wildlife – With the no action alternative, temporary noise and worker presence impacts to wildlife would not occur. There would be no mortality from deer getting hung up on the fence.

ACEC – Because the Red Hills ACEC was designated for protection of the serpentine soils and the special status plants associated with these soils, see above write-up under vegetation for impacts of the no action alternative to ACEC values.

4.3 Cumulative Impacts

Because no site-specific adverse impacts are expected for any resources (described above), cumulative impacts at the larger watershed scale are not anticipated under the proposed action. On the other hand, not building the fence as proposed under the no action alternative could have negative consequences for conservation of this federally threatened plant, and the other sensitive serpentine associated plants. Very few populations of this species have been found in the Sierra Nevada region of California. The loss or degradation of any one population cumulatively threatens the survival of this species.

5.0 BLM Interdisciplinary Team

Reviewers:

/s/ James Barnes 8/18/11

NEPA coordinator/Cultural

/s/ Lauren Fety 8/17/11

Botany

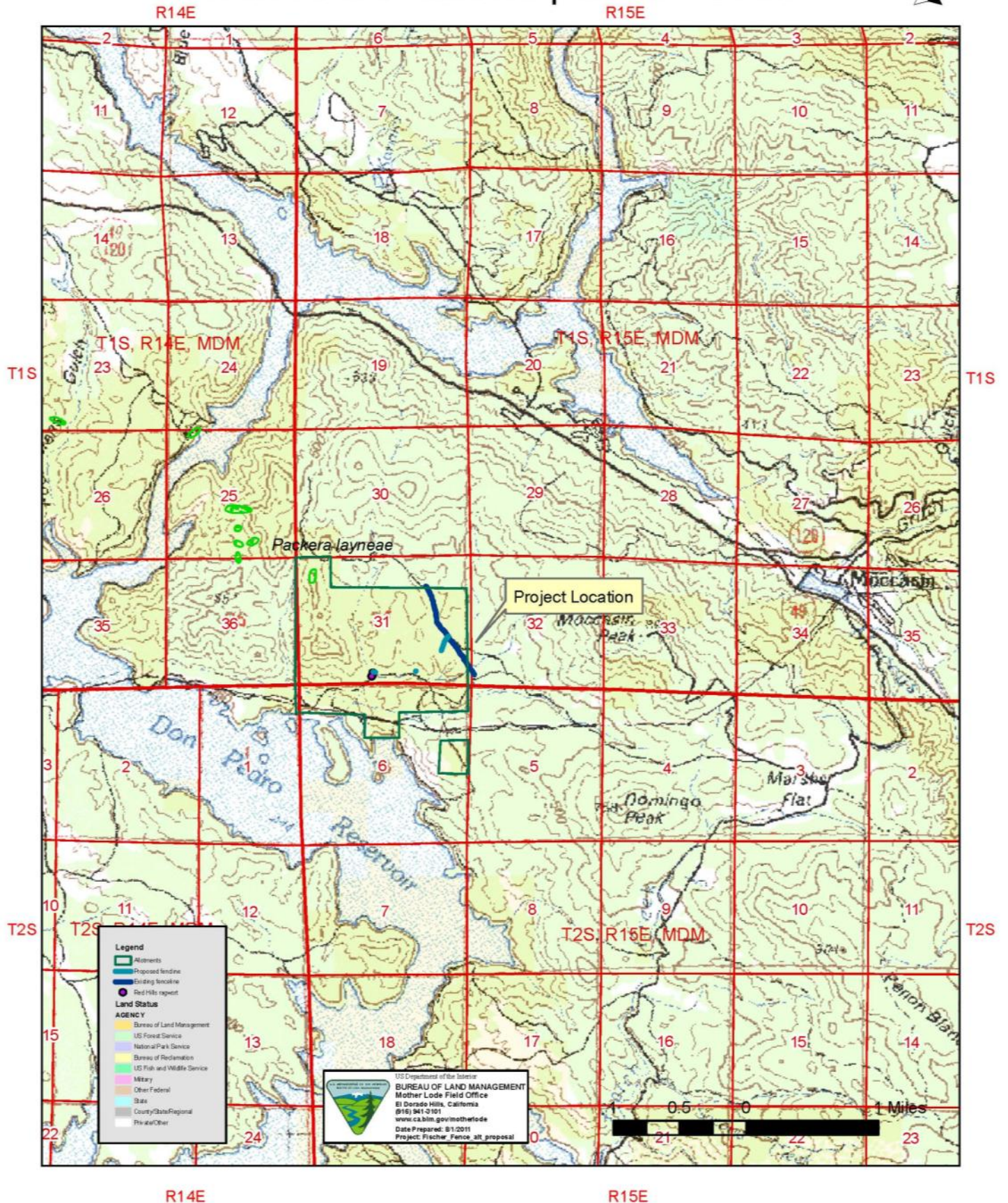
/s/ Peggy Cranston 8/17/11

Wildlife/Range

5.1 Availability of Document and Comment Procedures

This EA, posted on Mother Lode Field Office's website (www.blm.gov/ca/motherlode) under Information, NEPA (or available upon request), will be available for a 15-day public review period. Comments should be sent to the Mother Lode Field Office, 5152 Hillsdale Circle, El Dorado Hills, CA 95762 or emailed to us at jjbarnes@blm.gov

Don Pedro East Serpentine Fence



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